

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN (BAY CITY)

UNITED STATES OF AMERICA

Plaintiff,

Case No. 1:20-cr-20085-TLL-PTM  
Hon. Thomas L. Ludington  
Magistrate Judge: Patricia T. Morris

vs.

BRITTAN J. ATKINSON

Defendant.

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**MOTION TO REOPEN DETENTION HEARING**

For the reasons stated below the Defendant requests that the Court allow the reopening of the Detention Hearing. Pursuant to local rule 7.1, defense counsels sought consent and consent was not obtained prior to the filing of this motion.

Dated: July 31, 2020

/s/ Donald J. Neville  
Donald J. Neville (P60213)  
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Dated: July 31, 2020

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NOW COMES **BRITTAN J. ATKINSON**, by and through his attorneys,  
DONALD J. NEVILLE and TIMOTHY P. MACDONALD, and states in his Motion to  
Reopen Detention Hearing:

**I. INTRODUCTION**

Defendant is before this Honorable Court on one count of Threatening a  
Person via Email. Mr. Atkinson has undergone a court ordered Forensic Evaluation. A  
competency hearing set to be heard before this honorable Court on August 3, 2020.

**II. BACKGROUND**

On February 21, 2020, this Honorable Court held a Detention Hearing.  
On February 25, 2020 this Honorable Court entered an order of Detention Pending Trial.  
(Docket 12). On February 28, 2020 the Court entered an order for a competency exam.  
The hearing on the competency exam is scheduled for August 3, 2020. At the conclusion  
of the hearing, the Defense shall request that the detention hearing be reopened based  
upon the newly available critical information about the Defendant that was not available  
to the court at the first detention hearing. The anticipated Motion to Reopen the detention

hearing was discussed on the record on July 29, 2020 during the Motion for Substitution of Defense Counsel.

### **III. BRIEF**

Pursuant to 18 U.S.C.A. § 3141(a) A judicial officer authorized to order the arrest of a person under section 3041 of this title before whom an arrested person is brought shall order that such person be released or detained, pending judicial proceedings, under this chapter.

Pursuant to 18 U.S.C.A. § 3142(f) the judicial officer shall hold a hearing to determine whether any condition or combination of conditions set forth in subsection (c) of this section will reasonably assure the appearance of such person as required and the safety of any other person and the community.

Pursuant to 18 U.S.C.A. § 3142(g), the judicial officer shall, in determining whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community.

The information in the report was not available to the court at the time of the Detention Hearing. After review of the Forensic Evaluation and the conclusion of the Competency Hearing, this honorable Court will have a full picture of the Defendant to fashion conditions or release.

### **IV. CONCLUSION**

For the reasons stated above, the Motion to Reopen the Detention Hearing should be granted.

Respectfully submitted,

Dated: 07/31/2020

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Dated: 07/31/2020

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